

REMARKS

I. Status of the Application

Claims 1-5 and 24-38 are pending in this application. In the March 9, 2006 Office action, the examiner:

- (i) allowed claims 32 and 33;
- (ii) objected to claims 24, 30, 31 and 36 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form;
- (iii) rejected claim 1 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,630,163 to Cooper et al. (hereinafter “Cooper”);
- (iv) rejected claims 1 and 3 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,999,384 to Chen et al. (hereinafter “Chen”);
- (v) rejected claim 2 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,549,161 to McTavish et al. (hereinafter, “McTavish”);
- (vi) rejected claims 4, 5, 25-27, 34, 35, 37 and 38 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. patent no. 4,937,699 to Polgreen (hereinafter “Polgreen”) in view of U.S. patent no. 6,210,232 to Lai et al. (hereinafter “Lai”); and
- (vii) rejected claims 4, 28 and 29 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cooper in view of Lai.

In this response, applicants have amended claims 1, 2, 4, 34, 35 and 37, and applicants traverse the examiner’s rejection of claims 1-5, 24-31 and 34-38.

II. The Examiner's Rejections Under 35 U.S.C. § 102(b) Should be Withdrawn

In the March 9, 2006 office action, the examiner rejected independent claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by one of Cooper, Chen, or McTavish. As provided in MPEP § 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). In addition, the elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

A. Independent Claim 1

Neither Cooper nor Chen discloses all the limitations of claim 1. For example, with respect to amended claim 1, neither Cooper nor Chen discloses the limitation of "a protective barrier provided within the utility meter housing and interposed between the inductor and the load." By contrast, Cooper and Chen only show devices that include housings with an inductor positioned within the housing. For both Cooper and Chen, there is no disclosure of a protective barrier positioned within the housing and interposed between the inductor and the load. Accordingly, neither Cooper nor Chen discloses all the limitations of claim 1, and the examiner's rejection of claim 1 should be withdrawn.

B. Independent Claim 2

McTavish does not disclose all the limitations of claim 2. For example, with respect to amended claim 2, McTavish does not disclose the limitation of “a protective barrier interposed between the PPTC and the load within the utility meter housing.” By contrast, McTavish only shows a device that includes a housing with a PPTC positioned within the housing. There is no disclosure in McTavish of a protective barrier positioned within the housing and interposed between the PPTC and the load. Accordingly, McTavish does not disclose all the limitations of claim 2, and the examiner’s rejection of claim 2 should be withdrawn.

C. Claims 3, 30, and 31

Dependent claims 3, 30 and 31 all depend from and incorporate all the limitations of one of allowable independent claims 1 or 2. Accordingly, it is respectfully submitted that dependent claims 3, 30 and 31 are also allowable for at least the same reasons that independent claims 1 and 2 are allowable.

III. The Examiner’s Rejections Under 35 U.S.C. § 103(a) Should be Withdrawn

In the March 9, 2006 Office action, the examiner rejected claims 4, 5, 25-27, 34, 35, 37 and 38 under 35 U.S.C. § 103(a) as being unpatentable over Polgreen in view of Lai. In addition, the examiner rejected claims 4, 28, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Cooper in view of Lai. Applicant respectfully traverses the examiner’s rejection of claims 4, 5, 25-29, 34, 35, 37 and 38 under 35 U.S.C. § 103(a).

In particular, in order to make a *prima facie* case of obviousness, all claim limitations must be taught or suggested by the prior art. MPEP § 2143.03.

A. Independent Claims 4, 34 and 37

Applicant respectfully submits that at least the limitation found in claim 34 of “an inductor and a polymeric positive coefficient temperature device (PPTC) positioned within the utility meter housing” is not suggested or taught by the prior art. Claims 4 and 37 include similar limitations related to an inductor and a PPTC positioned within a utility meter housing. However, neither Polgreen, nor Cooper, nor Lai discloses an inductor and a PPTC positioned within a utility meter housing. Further, neither Polgreen, nor Cooper, nor Lai teaches coupling of the inductor and the PPTC in series within a utility meter housing between the voltage input and the load. Because no single or combined disclosure of Polgreen, Cooper and/or Lai teaches “an inductor and a polymeric positive coefficient temperature device (PPTC) positioned within the utility meter housing,” a *prima facie* case of obviousness under MPEP § 2142 has not been made for claims 4, 34 and 37. Accordingly, the examiner’s rejection of claims 4, 34, and 37 should be withdrawn.

For at least the reasons discussed above, a *prima facie* case has not been made that amended claims 3, 34 and 37 are unpatentable over some combination of Polgreen, Cooper and Lai. Accordingly, it is respectfully submitted that claims 4, 34, and 37 are allowable, and the examiner’s rejection of claims 4, 34 and 37 under 35 U.S.C. § 103(a) as obvious over Polgreen in view of Lai, and/or Cooper in view of Lai, should be withdrawn.

B. Dependent Claims 2-8

In the March 9, 2006 Office action, the examiner rejected dependent claims 5, 25-27, 35 and 38 under 35 U.S.C. § 103(a). Each of these claims depends from and incorporates all of the limitations of one of independent claims 4, 34 or 37. As set forth above, the examiner's rejection of claims 4, 34 and 37 should be withdrawn. Therefore, because each of dependent claims 5, 25-27, 35 and 38 depend from and incorporate all of the limitations of one claim 4, 34 and 37, the examiner's rejection of dependent claims 5, 25-27, 35 and 38 should also be withdrawn.

IV. Petition for Extension of Time

This response to Office action is being filed within one month following the June 9, 2006 shortened statutory period for reply to the Office action of March 9, 2006. Accordingly, applicant hereby petitions for a one month extension of time to file this response, to July 9, 2006. Since July 9, 2006 fell on a Sunday, this response is being timely filed on Monday, July 10, 2006. A check in the amount of \$120.00 is enclosed in payment of the fee for the one month extension of time.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

V. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application, including pending claims 1-5 and 24-38, is therefore respectfully requested.

Respectfully submitted,



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